



Audit of Telecommunications Infrastructure Assets – Record keeping Rules 2013 – Amendment

Competition and Consumer Act 2010

The AUSTRALIAN COMPETITION AND CONSUMER COMMISSION amends these Rules under subsection 151BU(1) of the *Competition and Consumer Act 2010* as set out in the attachment.

These amendments commence on the date this amendment instrument is signed.

Dated *eighteenth* December 2017


.....

Delia Ann Rickard
Deputy Chair
Australian Competition and Consumer Commission

Audit of Telecommunications Infrastructure Assets

Record Keeping Rules

Section 151BU

Competition and Consumer Act 2010

Australian Competition and Consumer Commission

1 Name of Rules

These Rules are the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules* ~~2013~~.

2 Commencement

These Rules commenced d on ~~the day they are made~~ 26 March 2013.

3 Interpretation

(1) In these Rules:

ACCC means the Australian Competition and Consumer Commission.

Act means the *Competition and Consumer Act 2010*.

CAN means the Customer Access Network and is that part of the telecommunications network that allows end-users to connect to the local switch, base station, node or exchange.

Consolidated information report means an information report that includes infrastructure records of all subsidiaries and/or related entities of the record-keeper.

Copper means twisted pairs of copper line.

Core network means that part of the network that is not the CAN.

Distribution point unit (DPU) means an NBN Co owned device located in an underground pit, or mounted on a pole close to the end-user premise.

End-user means a consumer of communications carriage services and other services supplied using communications carriage services.

ESA means the geographical area of copper wire served by one local telephone exchange.

Fibre (point to multipoint) means a shared optical fibre service from the core network to the end-user.

Fibre (point to point) means a dedicated optical fibre service from the core network to the end-user.

Fibre to the building (FTTB) means a combination of optical fibre used to connect a multi-tenant site's communications room with an access network whether that be fibre, copper or wireless. It has the capability of delivering a superfast broadband service.

FTTB equipment means the main equipment usually installed in the communications room (e.g. MDF room) of a multi dwelling unit or multi premise site.

Fibre to the curb (FTTC) means a combination of optical fibre and copper used in the CAN to connect the end-user to the core network. Optical fibre is delivered to an underground pit or pole locations where it then connects with a DPU. Copper is then used to deliver services from the DPU to the end-user. It has the capability of delivering a superfast broadband service.

Fibre to the premises (FTTP) means optical fibre used in the CAN to connect the end-user to the core network. It has the capability of delivering a superfast broadband service.

Fibre to the node (FTTN) means a combination of optical fibre and copper is used in the CAN to connect the end-user to the core network. It has the capability of delivering a superfast broadband service.

GDA94 means Geocentric Datum of Australia 1994.

Geographic extent means the physical location of infrastructure and includes the geographic boundaries normally associated with that infrastructure (such as ESA or SAM boundaries) as well as the predicted propagation of wireless infrastructure.

HFC means Hybrid Fibre-Coaxial and is a combination of optical fibre and coaxial cable used in the CAN to connect the end-user to the core network.

Microwave radio means a microwave electromagnetic signal.

Mobile site means the site where mobile infrastructure (such as base stations, towers etc.) is located.

Fixed wireless site means the site (such as towers or other facilities) where fixed wireless infrastructure is located.

Optical fibre means a glass or plastic fibre designed to guide light along its length.

Radio (fixed) means the CAN that is provided by means of air interface using point-to-point or point-to-multipoint topology.

Radio (mobile) means the CAN that is provided by means of air interface using a cellular topology which offers roaming from interconnected geographic regions of service.

Record-keeper is a carrier or carriage service provider listed as a record-keeper in Schedule 1, and includes all its subsidiaries and related entities.

Rules means the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules 2017*³.

Serving Area Module (SAM) means a geographical region which includes premises served by the NBN Co Network.

TAB vector format means the MapInfo proprietary format that contains a spatial representation of data using points, lines, and polygons.

- (2) Unless the contrary intention appears, an expression used in these Rules that is also used in the Act has the same meaning in these Rules.

4 Application

These Rules apply to the record-keepers listed in Part 1 of Schedule 1.

5 CANs

- (1) A record-keeper who is listed in Part 1 of Schedule 1 must supply the information specified in subrule 5(2).
- (2) For each CAN owned and operated by a record-keeper, the record-keeper must specify:
- (a) whether any access media of the types listed in Part 2 of Schedule 1 is deployed on the network; and
 - (b) if so, the geographic extent of each access medium deployed, including where relevant:
 - i. for radio (mobile) – the location of mobile sites, the technology type and frequency band/s of the radiofrequency spectrum used at each mobile site;
 - ii. for radio (mobile) – the geographic coverage by technology type;
 - iii. for radio (fixed) – the location of fixed wireless sites, the technology type and frequency band/s of the radiofrequency spectrum used at each fixed wireless site;
 - iv. for radio (fixed) – the geographic coverage by technology type;
 - v. for FTTB – the location of FTTB equipment; and
 - i.vi. for FTTP, FTTN, FTTB, FTTC, HFC – the geographic boundary of CAN modules (for NBN Co services this will include each SAM boundary).

Note: For the purposes of subrule 5(2)(b) a record-keeper is required to provide this information in accordance with rule 7.

6 Core Network

- (1) A record-keeper who is listed in Part 1 of Schedule 1 must supply the information specified in subrules 6(2), 6(3), and 6(4)
- (2) For each core network owned and operated by a record-keeper, the record-keeper must specify the geographic extent of any:
- (a) optical fibre core network;
 - (b) microwave radio core network; and
 - (c) other core network.
- (3) The record-keeper must separately identify core network that it leases to third parties.

- (4) The record-keeper must separately identify core network that it operates on behalf of third parties.

Note: For the purposes of this rule a record-keeper is required to provide this information in accordance with rule 7.

7 Format

For the purposes of subrule 5(2)(b) and rule 6, information provided to the ACCC by a record-keeper must be:

- (a) in a TAB vector format using the GDA94 coordinate system; or
- (b) in such other format as the ACCC agrees in writing or notifies on its website.
- (c) a consolidated information report of subsidiaries and/or related entities.

8 Reporting requirements

- (1) A record-keeper is required to record and produce a report on the information specified in subrules 5(2), 6(2), 6(3) and 6(4) as at 31 January of each year.
- (2) ~~Subject to rule 9, a~~ record-keeper must provide the ACCC with a report containing the information specified in subrule 8(1) on or before 1 March of each year.

~~(3) The report containing the information specified in subrule 8(1) must be provided to the ACCC by email or by another mode of delivery approved in writing by the ACCC. Reports provided by email must be sent to both of the following addresses:~~

- ~~(a) rkrinbox@acc.gov.au~~
- ~~(a)(b) irdadmin@acc.gov.au~~

~~9 Variation to reporting requirements for 2013~~

- ~~(1) A Group A record keeper must prepare a report containing only the information specified in subrules 6(3) and 6(4) as at 31 July 2013 and provide it to the ACCC on or before 1 September 2013.~~
- ~~(2) A Group B record keeper must prepare a report containing the information specified in subrule 8(1) as at 31 July 2013 and provide it to the ACCC on or before 1 September 2013.~~

Note 1: Under section 151BX of the Act a person who contravenes a record-keeping rule may be subject to pecuniary penalties.

Note 2: Subsection 36(2) of the *Acts Interpretation Act 1901* (Cth) provides that where the last day of any period prescribed falls on a Saturday, on a Sunday or on a day which is a

public holiday in which the thing is to be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday.

Schedule 1 Record-keeping requirements for CANs and Core Networks

Part 1 List of record-keepers

Group A	
Carrier/ACN	Carriage Service Provider/ACN
AAPT Limited 052 082 416	
AARNet Pt Ltd 084 540 518	
Agile Pty Ltd 080 855 321	iiNet Limited 068 628937
Amcom Pty Ltd 009 336 341	
Ergon Energy Telecommunications 106 459 465	
Macquarie Telecom Pty Limited 082 930 916	
NextGen Networks Pty Limited 094 147 403	
Optus Networks Pty Limited 008 570 330	SingTel Optus Pty Limited 052 833 208
Optus Mobile Pty Limited 054 365 696	SingTel Optus Pty Limited 052 833 208
Pipe Networks Limited 099 104 122	TPG Telecom Limited 093 058 069
Primus Telecommunications Pty Limited 071 191 396	M2 Group Pty Limited 110 039 560
Soul Pattison Telecommunications Pty Limited 001 726 192	TPG Telecom Limited 093 058 069
Telstra Corporation Limited 051 775 556	
Transact Capital Communications Pty Limited 093 966 888	iiNet Limited 068 628937

Ucecomm Pty Limited 079 083 195	SingTel Optus Pty Limited 052 833 208
Verizon Australia Pty Limited 081 001 194	
Vodafone Hutchison Australia Pty Limited 096 304 620	

Group B

<u>Carrier/ACN</u>	<u>Carriage Service Provider/ACN</u>
Adam Internet Pty Limited 055 495 853	
Auroracom Pty Limited 117 987 925	
Big Air Group Limited 098 572 626	
Basslink Telecoms Pty Limited 129 550 563	
Digital Data Distribution Australia Pty Limited 093 095 419	
NBN Co Limited 136 533 741	
	Queensland Rail Limited 132 181 090
RailCorp ABN 59 325 778 353	
SA Power Networks ABN 13 332 330 749	
Victorian Rail Track Corporation ABN 55 047 316 805	
	Transgrid ABN 19 622 756 774
Vocus Fibre Pty Limited 150 260 156	

<u>Record-keeper/ACN</u>	<u>Subsidiaries and/or related entities</u>
<u>AARNet Pty Ltd 084 540 518</u>	
<u>Basslink Telecoms Pty Ltd 129 550 563</u>	
<u>Digital Distribution Australia Pty Ltd</u>	

<u>093 095 419</u>	
<u>Ergon Energy Telecommunications 106 459 465</u>	
<u>Macquarie Telecom Pty Ltd 082 930 916</u>	
<u>NBN Co Limited 136 533 741</u>	
<u>OPENetworks Pty Ltd 118 525 821</u>	
<u>OptiComm Co Pty Ltd 117 414 776</u>	
<u>Queensland Rail Limited 132 181 090</u>	
<u>Rail Corporation New South Wales ABN 59 325 778 353</u>	
<u>SA Power Networks ABN 13 332 330 749</u>	
<u>SingTel Optus Pty Limited 052 833 208</u>	<u>Optus Networks Pty Ltd</u> <u>Optus Mobile Pty Ltd</u> <u>Uecomm Pty Ltd</u>
<u>Spirit Telecom Ltd 089 224 402</u>	
<u>Superloop Limited ABN 96 169 263 094</u>	<u>Big Air Group Limited</u>
<u>Tasmanian Networks Pty Ltd ABN 24 167 357 299</u>	
<u>Telstra Corporation Limited 051 775 556</u>	
<u>TPG Telecom Limited 093 058 069</u>	<u>AAPT Limited</u> <u>Adam Internet Pty Ltd</u> <u>Agile Pty Ltd</u> <u>iiNet Limited</u> <u>Soul Pattison Telecommunications Pty Ltd</u> <u>TransACT Capital Communications Pty Ltd</u>
<u>TransGrid ABN 19 622 755 774</u>	
<u>Verizon Australia Pty Ltd 081 001 194</u>	
<u>Victorian Rail Track Corporation ABN</u>	

<u>55 047 316 805</u>	
<u>Vocus Group Limited 084 115 499</u>	<u>Amcom Pty Ltd</u> <u>NextGen Networks</u> <u>Vocus Fibre Pty Ltd</u>
<u>Vodafone Hutchison Australia Pty Ltd</u> <u>096 304 620</u>	

Part 2**Types of access media deployed**

Copper

Fibre (point to multipoint)

Fibre (point to point)

Fibre to the building (FTTB)

Fibre to the curb (FTTC)

Fibre to the Node (FTTN)

Fibre to the premises (FTTP)

HFC

Radio (fixed)

Radio (mobile)

Other
